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Following is the Legislative History for the amendment to M.C.A. 3-2-101, specifically amendment Sec. 1, Ch. 13 L. 1973 (**SB 24**).

Included are:

- Entries from the 1973 Senate and House journals
- Senate Standing Committee Minutes (Constitution, Elections, and Federal Relations)
- House Standing Committee Minutes (Constitution, Elections, and Federal Relations)
- The final reading of the bill
- The final version of the bill

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1947." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 12, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act to revise initiative and referendum administrative requirements to comply with the provisions of Article III, Sections 4 and 5 of the Montana Constitution of 1972; amending Sections 37-101 through 37-105 and 37-107 through 37-109, R.C.M. 1947, and repealing Section 23-2701.1, R.C.M. 1947." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 13, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act to amend Section 23-2602, R.C.M. 1947, to comply with Article IV, Section 1 of the 1972 Montana Constitution by requiring that all elections be by secret ballot." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 14, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act amending Section 23-2701, R.C.M. 1947, Qualifications of Voter, to comply with Article IV, Section 2 of the 1972 Montana Constitution and federal supreme court decisions by allowing individuals eighteen (18) years of age and older to vote in all elections, amending the residency requirements, and restricting a felon's right to vote only while he is serving a sentence in a state institution; repealing Section 11-716, R.C.M. 1947." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 15, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act to amend Section 59-301, R.C.M. 1947, to comply with Article IV, Section 4 of the 1972 Montana Constitution by allowing individuals eighteen (18) years of age and older to hold civil office." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 16, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act to comply with Article V. Section 2 of the 1972 Montana Constitution directing the Montana Districting and Apportionment Commission to provide for a House of Representatives of one hundred (100) members and for a Senate of fifty (50) members." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 17, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act to amend Section 43-310, R.C.M. 1947, to implement Article V, Sections 5 and 6 of the 1972 Montana Constitution by providing that legislators be compensated for each legislative day, receive expenses seven (7) days a week, except during recesses, and receive mileage, expenses and twenty dollars ($20) per day for attending legislative standing committee meetings and mileage for the pre-session caucus, raising mileage from nine cents (9¢) to twelve cents (12¢), and providing for an immediate effective date." Referred to Committee on Legislative Administration.

Senate Bill No. 18, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act implementing Article V. Section 6 of the 1972 Montana Constitution by creating procedures which enable the legislature to call itself into special session; and providing for an immediate effective date." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 19, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act subjecting justices of the peace to impeachment to comply with Article V. Section 13(1) of the 1972 Montana Constitution; amending Sections 93-104 and 94-5401, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 20, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act amending Section 94-5402, R.C.M. 1947, to comply

Jan. 1, 1973

with Article V. Section 13(3) of the 1972 Montana Constitution by requiring a vote of two-thirds of the members of the House of Representatives instead of a vote of a majority of the members to impeach a state officer." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 21, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act implementing Article V. Section 14 of the 1972 Montana Constitution by providing for a districting and apportionment commission; and providing for an immediate effective date." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 22, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act amending Section 93-318, R.C.M. 1947, to remove the minimum jurisdictional amount for district courts to comply with Article VII, Section 4 of the 1972 Montana Constitution and to remove other superfluous language." Referred to Committee on Judiciary.

Senate Bill No. 23, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act providing for the minimum number of justices of the peace, their compensation, qualifications, terms of office, training and designation as county officers; providing for the collection of fees by justices and improvement of their facilities; abolishing fees in criminal actions; and deleting references to townships; all to comply with Article VII, Sections 5 and 7 of the 1972 Montana Constitution; amending Sections 11-727, 16-2403, 16-2404, 16-2406, 25-307, 93-401 through 93-403, 93-405, 93-704, 93-1602, 93-6601, 93-6602, 93-6706, 93-6903, 93-7302, 93-7311, 93-7402, 93-7605, 93-7607, 93-7704, 93-7709, 93-9705, R.C.M. 1947; and repealing Sections 25-303, 25-305, and 25-306, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 24, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act to provide for eight (8) year terms for the justices of the supreme court in accordance with Article VII, Section 7(2) of the 1972 Montana Constitution; amending Section 93-201, R.C.M. 1947; and repealing Sections 93-202 through 93-206, R.C.M. 1947, which are obsolete." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 25, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act amending Section 93-302, R.C.M. 1947, to increase the term of office of district court judges from four (4) to six (6) years to comply with Article VII, Section 7(2) of the 1972 Montana Constitution." Referred to Committee on Constitution, Elections and Federal Relations.

Senate Bill No. 26, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act providing for the filling of vacancies in the office of district court judge and supreme court justice to comply with Article VII, Section 8 of the 1972 Montana Constitution; repealing Sections 93-209, 93-220, and 93-309, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 27, introduced by Moore, Lynch, by request: A bill for an act entitled: "An act providing for the filling of vacancies in the office of district court judge and supreme court justice to comply with Article VII, Section 8 of the 1972 Montana Constitution; repealing Sections 93-209, 93-220, and 93-309, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 28, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act providing for the filling of vacancies in the office of district court judge and supreme court justice to comply with Article VII, Section 8 of the 1972 Montana Constitution; repealing Sections 93-209, 93-220, 93-309, R.C.M. 1947." Referred to Committee on Judiciary.

Senate Bill No. 29, introduced by Lynch, Moore, by request: A bill for an act entitled: "An act providing for the filling of vacancies in the office of district court judge and supreme court justice to comply with Article

At the request of Senator Lynch, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS AND RESOLUTIONS

Upon motion of Senator Moore, duly carried, that Senate Bill No. 18 be taken from Second Reading and rereferred to Committee on Rules.

THIRD READING OF BILLS

Senate Bill No. 24, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Klindt, Lowe, Lynch, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Shea, Siderius, Sorenson, Story, Turnage, Zody. Total 41.

Noes: Flynn, Jensen, Northey, Rosell, Thiessen, Vainio. Total 6.

Absent and not voting: Manning. Total 1.

Excused: Drake, Keenan. Total 2.

Senate Bill No. 25, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Shea, Siderius, Sorenson, Story, Turnage, Vainio, Zody. Total 42.

Noes: Jensen, Klindt, Lowe, Northey, Rosell, Thiessen. Total 6.

Absent and not voting: None.

Excused: Drake, Keenan. Total 2.

Senate Bill No. 30, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 48.

Noes: None.

Absent and not voting: None.

Excused: Drake, Keenan. Total 2.

Senate Bill No. 33, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 48.

Noes: None.

Absent and not voting: None.

Excused: Drake, Keenan. Total 2.

Jan. 15, 1973

Senate Bill No. 35, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 48.

Noes: None.

Absent and not voting: None.

Excused: Drake, Keenan. Total 2.

Senate Bill No. 41, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 47.

Noes: None.

Absent and not voting: Breeden, Total 1.

Excused: Drake, Keenan. Total 2.

Senate Bill No. 44, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moore, Moritz, Nees, Northey, Rosell, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 47.

Noes: Groff. Total 1.

Absent and not voting: None.

Excused: Drake, Keenan. Total 2.

Senate Joint Resolution No. 3, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Bollinger, Boylan, Breeden, Broeder, Carl, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Klindt,

COMMITTEE ON CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN
SB 9	1-2-73	1-8-73			X			
SB 11	1-2-73	1-8-73	X					
SB 12	1-2-73	1-18-73	X					
SB 13	1-2-73	1-8-73	X					
SB 14	1-2-73	1-10-73			X			
SB 15	1-2-73	1-8-73			X			
SB 16	1-2-73	1-8-73	X					
SB 18	1-2-73	1-8-73	(transferred to judiciary)					
SB 20	1-2-73	1-8-73	X					
SB 21	1-2-73	1-10-73			X			
SB 25	1-2-73	1-10-73	X					
SB 30	1-2-73	1-10-73	X					
SB 33	1-2-73	1-10-73	X					
SB 35	1-2-73	1-10-73	X					
SB 55	1-2-73	1-3-73	X					
→ SB 24		1-10-73	X					
SB 56		2-7-73		(Held over)				
SB 73	1-8-73	1-29-73	X					
SB 61	1-8-73	1-18-73	X					
SJR 7	1-10-73	2-5-73		X				
HB 2	1-11-73	1-24-73				X		
HB 3	1-11-73	1-24-73				X		
HB 34	1-11-73	1-29-73				X		

THIRD MEETING

The third meeting of the Constitution, Elections and Federal Relations Committee was called to order by Chairman, Senator McDonald on January 10, 1973 at 9:35 a.m. in Room 412.

ROLL CALL

Everyone except Senator Shea was present at the meeting.

SB 21

Senator Groff moved that SB 21 be amended as follows: Section 4, page 2, lines 8 and 9 following the words "per day plus" strike out the words "an expense allowance of twenty-five dollars ($25) per day in" and insert in lieu thereof the words "travel and actual expenses while." The motion was seconded by Senator Mathers and motion was carried unamiously.

Senator Mathers moved that SB 21 be recommended as DO PASS AS AMENDED. Senator Rosell seconded the motion, and it was carried unamiously.

SB 24

After discussing the bill briefly, Senator Groff made a motion to pass the bill as it appears at present. Senator Northey seconded the motion. All members voted in favor of having the bill recommended as DO PASS with the exception of Senator Rosell, who voted "nay."

SB 25

Senator Groff made the motion in favor of having the bill passed, and Senator Northey seconded the motion. Senator Rosell was the only member who voted against the bill to pass. Motion was carried, DO PASS.

SB 30

Senator Mathers motioned that SB 30 be passed. The motion was seconded by Senator Groff. Everyone voted "yes" for the bill to pass with the exception of Senator Rosell who voted "no." The bill was recommended, DO PASS.

SB 33

SB 33 was carried with a unamious vote. Senator Groff motinned for the bill to pass. Senator Groff's motion was seconded by Senator Graham.

SB 35

Senator Moore moved that this bill be recommended, DO PASS. It was seconded by Senator Groff. Motion was carried unamiously.

SB 14

Senator Rosell suggested that SB 14 possibly be reworded. She read the report after the bill had been transferred to a sub-committee. Senator Moore then stated that

EXTRAORDINARY SESSION

SENATE COMMITTEE ON

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS

DATE

NAME	1/3	1/8	1/13	1/14	1/20	1/21	1/27	1/28	2/3	2/4	2/10	2/11	2/17	2/18	2/24	2/25	3/2	3/5	3/9
McDonald, Chairman	x	x	x	x	x	x	x	x	x	x	x	x	X	x	X	X	X	X	X
Shea, Vice-Ch.	x	x	x	x	x	x	x	x	x	x	x	x	X	X	X	\	X	X	
Graham, Carroll	x	x	x	x		x	x		x	x		x	X	X	X			X	X
Groff, Bill	x	x	x	x	x	x	x		x	x	x	x	X	X	X	X	X	X	X
Mathers, William	x	x	x	x	x	x	x	x	x	x	x	x	X	X	X	X	X	X	
Moore, Jim	x	x	x		x	x	x		x	x	x	x	X	X		X	X	X	
Northey, Harry	x	x	x		x	x	x	x	x	x	x	x	X	X	X	X		X	X
Rosell, A.	x	x	x	x	x	x	x	x	x	x	x	x		X	X	X	X	X	X
Zody, A. A.	x	x	x	x	x	x	x	x	x	x	x	x	X	X	X	X	X	X	

SENATE COMMITTEE CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS

Date January 10, 1973 Bill No. 24 Time 9:30 a.m.

NAME	YES	NO
McDONALD, JACK (Chairman)	X	
SHEA, J. (Vice-Chairman)	X	
GRAHAM, C.	X	
GROFF, B.	X	
MATHERS, W.	X	
MOORE, J.	X	
NORTHEY, H.	X	
ROSELL, A.		X
ZODY, A. A.	X	

MARCENE MARSH
Secretary

SENATOR McDONALD
Chairman

Motion: Senator Groff made a motion to see the bill DO PASS.

Senator Northey seconded the motion.

Constitution, Elections & Federal Relations COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
S.B. 11	Revise statutory references to the constitutional oath of office for the 1972 const.	1/15/73	1/17/73		1/17/73	Be Concurred	Signed by Governor
S.B. 13	1972 Constitution require that all elections be by secret ballot	1/15/73	1/17/73		1/17/73	Be Concurred	Signed by Governor
S.B. 15	Allowing individuals 18 years of age and older to hold civil office	1/15/73	1/17/73		1/17/73	Be Concurred	Signed by Governor
S.B. 16	Destricting and apportionment to provide 100 house members and 50 senate members	1/15/73	1/17/73	Left in committee for further study	1/22/73	Be Concurred	
S.B. 20	Sole power of impeachment. Requiring 2/3 vote of the House of Representatives	1/15/73	1/17/73		1/17/73	Be Concurred	Signed by Governor
S.B. 24	Provide for 8 year term for justice of the supreme court	1/16/73			1/22/73	Be Concurred	Signed by Governor

January 22, 1973
Proceedings of the
Constitution, Elections & Federal Relations Committee

The meeting was called to order at 10:30 by Chairman Lombardi. the secretary called roll, absent was Representative Schye and Representative Ainsworth was excused.

SENATE BILL 24: Introduced by Senator Moore. There was no problem with the bill so there were no opponents or proponents. The committee gave the bill a unanimous Be Concurred In.

SENATE BILL 25: Introduced by Senator Moore. There were no proponents or opponents. The committee gave the bill a unanimous Be Concurred In.

SENATE BILL 30: Introduced by Lynch. There were no opponents or proponents. The committee gave the bill a unanimous Be Concurred In.

SENATE BILL 33: Introduced by Lynch. There were no opponents or proponents. The committee gave the bill a unanimous Be Concurred In As Amended.

SENATE BILL 35: Introduced by Lynch. There were no opponents or proponents. The committee decided that this bill should have some further study. Representative Greeely will look into it. The committee gave the bill a unanimous Pass For The Day.

HOUSE BILL 155: Chief Sponsor is Representative Murphy. There were no opponents or opponents. Representative Murphy told the committee he had to look one other thing up so the committee decided to pass it for the day.

HOUSE BILL 5: Introduced by Gerke and Ainsworth. There were no opponents or proponents. Representative Ainsworth told the committee of some amendments and the committee gave the bill a unanimous Do Pass As Amended.

SENATE BILL 16: Introduced by Moore. There were no opponents or propoents. The committee gave the bill a unanimous Be Concurred In.

With no further business the meeting was adjourned.

Jerry V. Lombardi
JERRY V. LOMBARDI, CHAIRMAN

Laurie Darragh
Laurie Darragh, secretary

ROLL CALL

Const., Elections & COMMITTEE
Federal Relations
42nd LEGISLATIVE SESSION 1971

DATE	1/5	1/8	1/10	1/12	1/15	1/17	1/22	1/29	1/31	2/2	2/5	2/7	2/9	2/12	2/14	2/1
Jerry Lombardi, Chairman	X	X	X	X	X	X	X	X	E X	E X	X	E	X	X	X	X
Michael Greely, Vice	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
A.L. Ainsworth	X	X	X	X	X	X	E X	X	E X	X	X		X	X	X	X
Ruth Castles	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Tom Haines	X	X	X	X	X	E X	X	X	E X	X	X	X	X	X	E X	E X
John Hall	X	X	E X	X	X	E X	X	X	X	E X	X	X	X			X
Ora Halvorson	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hal Harper	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Orin Kendall	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Albert Kosena	X	X	X	X	X	E X	X	X	X	X	X	X	X	X	X	X
John Murphy	X	E X	X	X	X	X	X	X	X	X	X	X	X	X		X
Elmer Schye	X	X	X	X	X	X			X	X	X	X	X	X	X	X
Robert Watt	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E X	X

by deleting all the underlined material in lines 22, 23 and 24 through the words, "against a district or board", and

Be further amended on page 1, section 1, line 25 after the word "suits" by deleting the punctuation period quote "(.")" and adding the words and punctuation "in the event a conflict of interest would prohibit such defense by county attorney." "

And, as amended, do pass.

HALL, Chairman

Report adopted.

January 16, 1973

Mr. Speaker: We, your Committee on Judiciary, having had under consideration Senate Joint Resolution No. 4, respectfully report as follows: That Senate Joint Resolution No. 4 be concurred in.

HALL, Chairman

Report adopted.

January 16, 1973

Mr. Speaker: We, your Committee on Rules, having had under consideration a motion to amend Joint Resolution 6-21 by providing that material stricken in an enrolled bill be lined through instead of omitted, respectfully report as follows: That the amendment to Joint Resolution 6-21 be not adopted.

FASBENDER, Chairman

Report adopted.

January 16, 1973

Mr. Speaker: We, your Committee on Rules, having had under consideration a motion to provide that all bills not physically introduced by the 18th day of the session will not be considered in the 43rd Legislature, respectfully report as follows: That the motion be adopted.

FASBENDER, Chairman

Report adopted.

January 15, 1973

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 80, respectfully report as follows: That House Bill No. 80 be amended in Section 1, subsection (19), page 4, line 14, after the word "diseases" by adding the following material: ", as",

And, as amended, do pass.

GUNDERSON, Chairman

Report adopted.

January 15, 1973

Mr. Speaker: We, your Committee on Education, having had under consideration House Bill No. 53, respectfully report as follows: That House Bill No. 53 do not pass.

GUNDERSON, Chairman

As a substitute motion, Lockrem moved that House Bill No. 53 be printed and placed on Second Reading.

Motion failed.

Jan. 16, 1973

Therefore, the committee report was adopted by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Baucus, Bennetts, Bradley, Brand, Colberg, Driscoll, Edland, Fasbender, Fleming, Flynn, Greely, Gunderson, Hageman, Haines, Hall, Halvorson, R. Harper, Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Kendall, Kimble, Kolstad, Kosena, Laas, Lee, Lien, Lombardi, Lynch, McKittrick, Manuel, Marbut, Mehrens, Menahan, Murphy, Nichols, Norman, Prevost, Regan, Roberts, Schepens, Seifert, Shelden, Staigmiller, Stephens, Stoltz, Swanberg, Towe, Turman, Turner, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 62.

Noes: Asbjornson, Barrett, Bell, Brown, Campbell, Castles, Cox, East, Fagg, Forsgren, Galt, Glennen, Hager, H. Harper, Holtz, Hubing, Jones, Kessner, Kvaalen, Lockrem, Lucas, Lund, Lundgren, Marks, Mercer, Olson, Rolfe, Schye, Selstad, Smith, Tierney, Ulmer, Walborn. Total 33.

Excused: Clemow, Cotton, Quilici. Total 3.

Absent or not voting: Burnett and Ellerd. Total 2.

MESSAGES FROM THE OTHER HOUSE

January 15, 1973

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following Senate Bills and Senate Resolution were this day read third time, title and history agreed to and the bills are herewith transmitted to the House for concurrence:

Senate Bill No. 24, introduced by Moore and Lynch

Senate Bill No. 25, inteoduced by Moore and Lynch

Senate Bill No. 30, introduced by Lynch and Moore

Senate Bill No. 33, introduced by Lynch and Moore

Senate Bill No. 35, introduced by Lynch and Moore

Senate Bill No. 41, introduced by James and McCallum

Senate Bill No. 44, introduced by Carl

Senate Joint Resolution No. 3, introduced by Lynch and Moore

Sincerely yours,

WALTER H. MARSHALL
Secretary of the Senate

MOTIONS AND RESOLUTIONS

Fasbender moved that Rules be suspended and place House Bill No. 68 and House Joint Resolution No. 2 on Second Reading this day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time and referred to committees:

Senate Bill No. 24, introduced by Moore and Lynch (to request): A bill for an act entitled: "An act to provide for eight (8) year terms for the justices of the supreme court in accordance with Article VII, Section 7(2) of the 1972 Montana Constitution; amending Section 93-201, R.C.M. 1947; and repealing Sections 93-202 through 93-206, R.C.M. 1947, which are obsolete." Referred to Committee on Constitution, Elections and Federal Relations.

House in recess.

House resumed. Mr. Speaker in the Chair.

MOTIONS AND RESOLUTIONS

Fasbender moved that the House impose a five minute limitation on each speaker for all debate on a motion on Second Reading except that the person making the motion be permitted five minutes to open and five minutes to close.

Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Fasbender moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading.

Motion carried.

Colberg in the Chair. Committee arose.

Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 144, do pass. (79-0)

That House Bill No. 246, do pass. (88-1)

That House Bill No. 150 do pass. (83-10)

That House Bill No. 163, do pass. (87-3)

That House Bill No. 151, do pass (79-15)

That House Bill No. 165, do not pass. (70-27)

That House Bill No. 175, do pass. (90-1)

That House Bill No. 134, do pass. (88-1)

That House Bill No. 138, do pass. (73-16)

That Senate Bill No. 24, be concurred in. (77-19)

That Senate Bill No. 25, be concurred in. (73-18)

That Senate Bill No. 30, be concurred in. (97-3)

That Senate Bill No. 46, be concurred in. (70-29)

That Senate Bill No. 79, be passed for the day.

That the Committee rise and report.

COLBERG, Chairman

Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 81 was passed by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Jacobsen, Johnson, Jones, Kendall, Kessner, Kimble, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Seifert, Shelden, Smith, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Ulmer, Walborn, Watt, Zimmer, Mr. Speaker. Total 91.

Noes: Burnett, Huennekens, Kolstad, Lockrem. Total 4.

Absent or not voting: Schye, Selstad, Turner, Warfield, Yardley. Total 5.

House Bill No. 82 was passed by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Barrett, Bell, Bennetts, Bradley, Brand, Brown, Burnett, Campbell, Castles, Colberg, Cotton, Cox, Driscoll, East, Edland, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Huennekens, Jones, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Seifert, Shelden, Smith, Staigmiller, Stephens, Stoltz, Tierney, Towe, Turman, Ulmer, Walborn, Warfield, Watt, Zimmer, Mr. Speaker. Total 84.

Noes: Clemow, Ellerd, Fagg, Haines, Jacobsen, Johnston, Lien, Swanberg, Yardley. Total 9.

Absent or not voting: Bardanouve, Baucus, Hubing, Kendall, Schye, Selstad, Turner. Total 7.

House Bill No. 99 was passed by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Bell, Bennetts, Bradley, Brand, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Seifert, Selstad, Shelden, Smith, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 96.

Noes: Marbut. Total 1.

Absent or not voting: Baucus, Kosena, Schye. Total 3.

House Bill No. 114 was passed by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Norman, Olson, Prevost,

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Noes: Ainsworth, Asbjornson, Baeth, Barrett, Bell, Brand, Campbell, Colberg, Cotton, Cox, East, Galt, Greely, Hager, Halvorson, Holtz, Hubing, Johnston, Jones, Kendall, Kvaalen, Lockrem, Lucas, Lund, Lundgren, Lynch, Marks, Menahan, Mercer, Olson, Prevost, Roberts, Rolfe, Schepens, Schye, Shelden, Smith, Turner, Walborn, Zimmer. Total 40.

Paired: Aageson, aye; Cox, no; Kolstad, aye; Bell, no.

Excused: Ellerd. Total 1.

Absent or not voting: None.

House Bill No. 107 was passed by the following vote:

Ayes: Aageson, Baeth, Baucus, Bennetts, Bradley, Brand, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Driscoll, Ellerd, Fagg, Fasbender, Fleming, Flynn, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Huennekens, Jacobsen, Johnston, Kessner, Kimble, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Quilici, Regan, Roberts, Schepens, Seifert, Selstad, Shelden, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Ulmer, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 78.

Noes: Ainsworth, Asbjornson, Bardanouve, Barrett, Bell, Cox, East, Forsgren, Hubing, Jones, Lockrem, Olson, Prevost, Rolfe, Schye, Smith, Staigmiller, Turner, Walborn. Total 19.

Paired: Aageson, aye; Forsgren, no; Ellerd, aye; Lockrem, no.

Excused: Kolstad. Total 1.

Absent or not voting: Edland, Kendall. Total 2.

House Bill No. 135 was passed by the following vote:

Ayes: Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bennetts, Bradley, Brand, Brown, Cotton, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Forsgren, Greely, Gunderson, Hageman, Hall, Halvorson, R. Harper, Hodges, Holmes, Jacobsen, Johnston, Kendall, Kimble, Kosena, Laas, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Norman, Regan, Roberts, Shelden, Stephens, Stoltz, Towe, Turman, Warfield, Watt, Yardley, Mr. Speaker. Total 50.

Noes: Aageson, Ainsworth, Bell, Burnett, Campbell, Castles, Clemow, Colberg, Cox, East, Galt, Glennen, Hager, Haines, H. Harper, Healy, Holtz, Hubing, Huennekens, Jones, Kessner, Kolstad, Kvaalen, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, Mercer, Nichols, Olson, Prevost, Quilici, Rolfe, Schepens, Schye, Seifert, Selstad, Smith, Staigmiller, Swanberg, Tierney, Turner, Ulmer, Walborn, Zimmer. Total 49.

Paired: Marbut, aye; Aageson, no; Fagg, aye; Kolstad, no.

Excused: Ellerd. Total 1.

Absent or not voting: None.

House Bill No. 139 was passed by the following vote:

Ayes: Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Burnett, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Regan, Roberts, Rolfe, Schepens, Schye, Seifert, Selstad, Shelden, Smith, Staigmiller, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Turner, Ulmer, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 95.

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Noes: Walborn. Total 1.

Excused: Aageson, Ellerd, Kolstad. Total 3.

Absent or not voting: Hager. Total 1.

THIRD READING OF SENATE BILLS

Senate Bill No. 16 was concurred in by the following vote:

Ayes: Ainsworth, Baeth, Baucus, Bell, Bennetts, Bradley, Brown, Burnett, Castles, Colberg, Cox, Driscoll, Fagg, Fasbender, Fleming, Forsgren, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, R. Harper, Hodges, Holmes, Huennekens, Kimble, Kvaalen, Laas, Lee, Lucas, Manuel, Marbut, Marks, Mercer, Murphy, Nichols, Prevost, Quilici, Regan, Rolfe, Schepens, Selstad, Staigmiller, Stephens, Stoltz, Tierney, Towe, Turman, Ulmer, Warfield, Watt, Yardley, Zimmer. Total 55.

Noes: Aageson, Asbjornson, Bardanouve, Barrett, Brand, Campbell, Clemow, Cotton, East, Edland, Flynn, Galt, Haines, H. Harper, Healy, Holtz, Hubing, Jacobsen, Johnston, Jones, Kendall, Kessner, Kolstad, Kosena, Lien, Lockrem, Lombardi, Lund, Lundgren, Lynch, McKittrick, Mehrens, Menahan, Norman, Olson, Roberts, Schye, Seifert, Shelden, Smith, Swanberg, Turner, Walborn, Mr. Speaker. Total 44.

Paired: Murphy, aye; Kolstad, no; Fasbender, aye; Aageson, no.

Excused: Ellerd. Total 1.

Absent or not voting: None.

Senate Bill No. 24 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Baucus, Bell, Bradley, Brown, Campbell, Castles, Clemow, Cotton, Cox, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Galt, Glennen, Greely, Hageman, Hager, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Lee, Lucas, Lund, Lundgren, McKittrick, Manuel, Marbut, Marks, Mercer, Nichols, Norman, Quilici, Regan, Roberts, Shelden, Stephens, Stoltz, Swanberg, Tierney, Towe, Turman, Ulmer, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 71.

Noes: Barrett, Bennetts, Brand, Burnett, Colberg, East, Forsgren, Gunderson, Lien, Lockrem, Lombardi, Lynch, Mehrens, Menahan, Olson, Prevost, Rolfe, Schepens, Schye, Seifert, Selstad, Smith, Staigmiller, Turner, Walborn. Total 25.

Paired: Aageson, aye; Lockrem, no; Kolstad, aye; Burnett, no.

Excused: Ellerd. Total 1.

Absent or not voting: Asbjornson, Laas, Murphy. Total 3.

Senate Bill No. 25 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Baucus, Bell, Bradley, Brown, Campbell, Castles, Cotton, Cox, Driscoll, East, Edland, Fagg, Fasbender, Fleming, Flynn, Galt, Glennen, Greely, Hageman, Hager, Haines, Hall, Halvorson, H. Harper, R. Harper, Healy, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lucas, Lund, Lundgren, Lynch,

IMPLEMENTING THE
1972 CONSTITUTION

SENATE BILL NO. 24

INTRODUCED BY Jim Moore and Neil J. Lynch (by request)

93-201 THROUGH 93-206

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR EIGHT (8) YEAR TERMS FOR THE JUSTICES OF THE SUPREME COURT IN ACCORDANCE WITH ARTICLE VII, SECTION 7(2) OF THE 1972 MONTANA CONSTITUTION; AMENDING SECTION 93-201, R.C.M. 1947; AND REPEALING SECTIONS 93-202 THROUGH 93-206, R.C.M. 1947, WHICH ARE OBSOLETE."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Section 93-201, R.C.M. 1947, is amended to read as follows:

"93-201. Justices--number increased to five--election and term of office. ~~On and after September 1, 1919, the~~ The supreme court ~~shall consist~~ consists of a chief justice and four associate justices, who ~~shall be~~ are elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and ~~shall~~ hold their offices for the term of ~~six~~ eight (8) years from and after the first Monday of January next succeeding their

THIRD READING

election."

Section 2. Sections 93-202, 93-203, 93-204, 93-205, 93-206, R.C.M. 1947, are repealed.

-End-

2. "Proceedings of the legislature" shall include status sheets, *daily journal, reproduced* bills, *reproduced* resolutions, *reproduced* memorials, printed bills, printed resolutions and printed memorials and amendments thereto.

3. "One complete set" *is* one copy of each item of the proceedings of the legislature."

Section 2. This act is effective on its passage and approval.

Approved: January 30, 1973.

CHAPTER NO. 13

An Act to Provide for Eight (8) Year Terms for the Justices of the Supreme Court in Accordance with Article VII, Section 7(2) of the 1972 Montana Constitution: Amending Section 93-201, R.C.M. 1947; and Repealing Sections 93-202 through 93-206, R.C.M. 1947, which are Obsolete.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 93-201, R.C.M. 1947, is amended to read as follows:

"93-201. **Justices — number increased to five — election and term of office.** *The* supreme court *consists* of a chief justice and four associate justices, who *are* elected by the qualified electors of the state at large at the general state elections next preceding the expiration of the terms of office of their predecessors, respectively, and hold their offices for the term of *eight (8)* years from and after the first Monday of January next succeeding their election."

Section 2. Sections 93-202, 93-203, 93-204, 93-205, 93-206, R.C.M. 1947, are repealed.

Approved: February 5, 1973.

CHAPTER NO. 14

An Act Amending Section 93-302, R.C.M. 1947, to Increase the Term of Office of District Court Judges from Four (4) to Six (6) Years to Comply with Article VII, Section 7(2) of the 1972 Montana Constitution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 93-302, R.C.M. 1947, is amended to read as follows:

"93-302. **Number of judges.** In each judicial district there must be the following number of judges of the district court, who must be elected by the qualified voters of the district, and whose term of office must be *six (6)* years, to-wit: In the first, second, eleventh and sixteenth, two judges each, in the thirteenth, eighth and fourth, three judges, and, in all other districts, one judge each.

Approved: February 5, 1973.

CHAPTER NO. 15

An Act to Bring the Qualifications of Supreme Court Justices and District Court Judges in Compliance with Article VII, Section 9 of the 1972 Montana Constitution, by Raising the District Court Residency Requirement from One (1) to Two (2) Years, Providing for a Five (5) Year Practice of Law Requirement and Eliminating Age Requirements; Amending Section 93-702, R.C.M. 1947, and Repealing Section 93-701, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 93-702, R.C.M. 1947, is amended to read as follows:

"93-702. **Qualifications.** No person *is* eligible *for* the office of *justice of the supreme court or* judge of the district court unless he *is* a citizen of the United States, *who has resided in the state two (2) years immediately before taking office,* and *has* been admitted to practice law in *Montana for at least five (5) years prior to the date of appointment or election. A judge of the district court* need not be a resident of the district for which he is elected *or appointed* at the time of his election *or appointment,* but after his election *or appointment,* he shall reside in the district for which he is elected *or appointed* during his term of office. *Justices of the supreme court shall reside within the state.*"

Section 2. Section 93-701, R.C.M. 1947, is repealed.

Approved: February 5, 1973.

CHAPTER NO. 16

An Act Amending Section 94-4203, R.C.M. 1947, Relating to Punishment for Escapes from State Prison by Defining the Term 'Confined in State Prison.'